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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,780	11/14/2003	Kevin Joseph Audibert	091395-9409	8784

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MICHAEL BEST & FRIEDRICH LLP
3773 CORPORATE PARKWAY
SUITE 360
CENTER VALLEY, PA 18034-8217

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,780

Applicant(s)

AUDIBERT ET AL.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

2. Claims 1-3, 7-9 and 15 are objected to because of the following informalities:

Claim 1 (line 6) recites "opening in to". It should recite --opening into--.

Claim 1 (line 9) recites "opening in to". It should recite --opening into--.

Claim 2 (line 2) recites "opening in to the shaft receiving opening". It should recite --opening into the shaft receiving slot--.

Claim 3 (line 2) recites "opening in to the shaft receiving opening". It should recite --opening into the shaft receiving slot--.

Claim 7 (line 6) recites "opening in to". It should recite --opening into--.

Claim 8 (line 2) recites "opening in to the shaft receiving opening". It should recite --opening into the shaft receiving slot--.

Claim 9 (line 2) recites "opening in to the shaft receiving opening". It should recite --opening into the shaft receiving slot--.

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Claim 15 (line 2) recites "a distance of less than B from". It should recite --a distance (B) from--.

Claim 15 (line 3) recites "in to the first portion". It should recite --into the first portion--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicants' admitted prior art (Figures 1 and 2).

As to claim 1, Applicants' admitted prior art discloses a shaft coupling element comprising:

a first portion configured for connection to a shaft **20** and a second portion configured for connection to a secondary component;

the first portion comprises first **10** and second **11** spaced apart side walls with a partial cylindrical portion extending therebetween to define a shaft receiving slot **12** having an axial opening into the shaft receiving slot;

a through bore **14** extending through the first and second walls; and

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a safety notch **19** extending through the partial cylindrical portion adjacent the axial opening into the shaft receiving slot to define a radial opening from the shaft receiving slot (Figures 1 and 2).

As to claim 2, Applicants' admitted prior art discloses a shaft coupling element wherein the through bore **14** is at an axial distance from the axial opening into the shaft receiving slot **12** and the safety notch **19** has an axial length that is larger than the distance (Figure 2).

As to claim 3, Applicants' admitted prior art discloses a shaft coupling element wherein the through bore **14** is at an axial distance from the axial opening into the shaft receiving slot **12**, the safety notch **19** has an axial length, and the shaft **20** has a forward chamfer having an axial length, wherein the safety notch axial length in combination with the chamfer axial length is larger than the distance (Figure 2).

As to claim 4, Applicants' admitted prior art discloses a shaft coupling element wherein the shaft receiving slot **12** has a circular configuration (Figure 1).

As to claim 5, Applicants' admitted prior art discloses a shaft coupling element wherein the shaft receiving slot **12** has a u-shaped configuration (Figure 1).

As to claim 6, Applicants' admitted prior art discloses a shaft coupling element wherein the second portion includes a yoke having spaced apart arms **13** with a securement bore **19** extending therethrough (Figure 1).

As to claim 7, Applicants' admitted prior art discloses a shaft coupling element comprising:

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a first portion configured for connection to a shaft **20** and a second portion configured for connection to a secondary component;

the first portion comprises a body having a shaft receiving slot **12** therein;

an axial opening in to the shaft receiving slot; and

a safety notch **19** extending through the first portion body adjacent the axial opening into the shaft receiving slot to define a radial opening from the shaft receiving slot (Figures 1 and 2).

As to claim 8, Applicants' admitted prior art discloses a shaft coupling element wherein a through bore **14** extends through the first portion body, the through bore is at an axial distance from the axial opening into the shaft receiving slot **12** and the safety notch **19** has an axial length that is larger than the distance (Figure 2).

As to claim 9, Applicants' admitted prior art discloses a shaft coupling element wherein a through bore **14** extends through the first portion body, the through bore is at an axial distance from the axial opening into the shaft receiving slot **12**, the safety notch **19** has an axial length, and the shaft **20** has a forward chamfer having an axial length, wherein the safety notch axial length in combination with the chamfer axial length is larger than the distance (Figure 2).

As to claim 10, Applicants' admitted prior art discloses a shaft coupling element wherein the shaft receiving slot **12** has a circular configuration (Figure 1).

As to claim 11, Applicants' admitted prior art discloses a shaft coupling element wherein the shaft receiving slot **12** has a u-shaped configuration (Figure 1).

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As to claim 12, Applicants' admitted prior art discloses a shaft coupling element wherein the second portion includes a yoke having spaced apart arms **13** with a securement bore **19** extending therethrough (Figure 1).

As to claim 13, Applicants' admitted prior art discloses a method of forming a shaft coupling element, the method including the steps of:

providing a blank having an axis extending along a first portion and a second portion with a rear edge extending along the first portion substantially perpendicular to the axis;

providing a first through bore **14** through the first portion on a first side of the axis and spaced from the rear edge;

providing a second through bore **14** through the first portion on a second, opposite side of the axis and spaced from the rear edge;

providing a notch **19** through the first portion, the notch extending from the rear edge; and

wrapping the blank about the axis such that a shaft receiving slot **12** is defined by the first portion with the notch defining a radial opening from the shaft receiving slot (Figures 1 and 2).

As to claim 14, Applicants' admitted prior art discloses a method wherein upon wrapping of the blank, the first and second through bores **14** align (Figure 1).

As to claim 15, Applicants' admitted prior art discloses a method wherein the first and second through bores **14** are each at a distance from the rear edge, and the notch

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19 extends axially from the rear edge into the first portion a distance that is larger than the distance (Figure 2).

As to claim 16, Applicants' admitted prior art discloses a method comprising the step of defining a pair of yoke arms **13** in the second portion (Figure 1).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4-7, 10-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by McClanahan et al. (US 5,628,578).

As to claim 1, McClanahan et al. disclose a shaft coupling element comprising:
a first portion configured for connection to a shaft **16** and a second portion configured for connection to a secondary component;

the first portion comprises first and second spaced apart side walls **56** with a partial cylindrical portion **60** extending therebetween to define a shaft receiving slot having an axial opening into the shaft receiving slot;

a through bore **66** extending through the first and second walls; and

a safety notch **70** extending through the partial cylindrical portion adjacent the axial opening into the shaft receiving slot to define a radial opening from the shaft receiving slot (Figures 1, 3 and 4).

As to claim 4, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a circular configuration (Figure 3).

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As to claim 5, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a u-shaped configuration (Figure 3).

As to claim 6, McClanahan et al. disclose a shaft coupling element wherein the second portion includes a yoke having spaced apart arms **54** with a securement bore **62** extending therethrough (Figure 3).

As to claim 7, McClanahan et al. disclose a shaft coupling element comprising:
a first portion configured for connection to a shaft **14** and a second portion configured for connection to a secondary component;

the first portion comprises a body having a shaft receiving slot therein;

an axial opening in to the shaft receiving slot; and

a safety notch **70** extending through the first portion body adjacent the axial opening into the shaft receiving slot to define a radial opening from the shaft receiving slot (Figures 1, 3 and 4).

As to claim 10, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a circular configuration (Figure 3).

As to claim 11, McClanahan et al. disclose a shaft coupling element wherein the shaft receiving slot has a u-shaped configuration (Figure 3).

As to claim 12, McClanahan et al. disclose a shaft coupling element wherein the second portion includes a yoke having spaced apart arms **54** with a securement bore **62** extending therethrough (Figure 3).

As to claim 13, McClanahan et al. disclose a method of forming a shaft coupling element, the method including the steps of:

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providing a blank having an axis extending along a first portion and a second portion with a rear edge extending along the first portion substantially perpendicular to the axis;

providing a first through bore **66** through the first portion on a first side of the axis and spaced from the rear edge;

providing a second through bore **66** through the first portion on a second, opposite side of the axis and spaced from the rear edge;

providing a notch **70** through the first portion, the notch extending from the rear edge; and

wrapping the blank about the axis such that a shaft receiving slot is defined by the first portion with the notch defining a radial opening from the shaft receiving slot (Figures 1, 3 and 4).

As to claim 14, McClanahan et al. disclose a method wherein upon wrapping of the blank, the first and second through bores **66** align (Figure 3).

As to claim 16, McClanahan et al. disclose a method comprising the step of defining a pair of yoke arms **54** in the second portion (Figure 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to shaft coupling elements:

Riccitelli (US 5,580,184), Wey (US 5,403,111) and Oertle et al. (US 5,090,833) are cited for pertaining to coupling elements comprising first and second spaced apart

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side walls with a partial cylindrical portion therebetween, and a through bore extending through the first and second walls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600